In the High Court of Uttaranchal, at Nainital.

Writ Petition No. 120/2004 (S/B)

Harpal Singh S/o Chandan Singh
Head Master, Senior Basic School, Pili Parao
Bhadrabad, District Haridwar .. Petitioner.

Versus

1- Basic Shiksha Adhikari, Haridwar.
2- Finanace and Accounts Officer,
Basic Shiksha Parishad,
District Haridwar.
3- Regional Inspector Basic Shiksha,
District Pauri.
4- Secretary, Basic Education,
State of Uttaranchal, Dehradun.
5- Public Service Tribunal, Uttaranchal,
At Dehradun .. Respondents.

Sri I.P. Gairola, learned counsel for the petitioner.
Sri K.P. Upadhyaya, learned Standing Counsel for the respondents.

Coram: Hon'ble P.C. Verma, J.

Hon'ble B.C. Kandpal, J.

Dated: 03-04-2006

By way of this writ petition, the petitioner has claimed the following relief:-

1- To issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 27-4-2004 (Annexure No. 3 to the writ petition) passed by the respondent No. 5.

2- To issue a writ, order or direction in the nature of mandamus, directing the respondents to pay the salary in the pay scale of Rs. 4625-7000 (revised pay scale of Rs. 6500-10500) to the petitioner w.e.f. 3-5-2002.

2- Brief facts of the case are that the petitioner was appointed as Assistant Teacher in Junior Basic School and in view of his performance he was given the charge of Head Master. As the respondents have not paid the salary in the pay scale of Rs. 4625-7000 (revised pay scale of Rs. 6500-10500) w.e.f. 3.5.2002 i.e. the date on which the petitioner took the charge of Head Master,

therefore, the petitioner filed a claim petition, seeking the relief that the respondents be directed to pay the aforesaid salary to him w.e.f. 1-5-2002.

4- The respondents filed their reply before the Public Service Tribunal and thereafter the petition of the petitioner was partly allowed and the respondents were directed to pay arrears of wages to the petitioner in the pay scale of Rs. 4250-6400 w.e.f. 3.5.2002.

5- Feeling aggrieved by the aforesaid judgment/award dated 27-4-2004, passed by the Public Service Tribunal, this writ petition has been preferred before this court.

6- Heard learned counsel for the parties and perused the record.

7- The record shows that the petitioner was made in-charge Head Master in the pay scale of Rs. 4625-7000 vide order dated 8-4-2002 passed by District Basic Shiksha Adhikari, Haridwar, but the aforesaid order was corrected by the District Basic Shiksha Adhikari, Haridwar on 4-6-2002, to the extent that the previous order dated 8-4-2002 was recalled and the petitioner was directed to take charge in the pay scale in which he was previously posted.

8- It is, therefore, clear that the District Basic Shiksha Adhikari, Haridwar rectified the earlier order dated 8-4-2002 by which the petitioner was granted pay scale of Rs. 4625-7000 instead of Rs. 4250-6400.

9- Learned Public Service Tribunal has discussed the aforesaid aspect and has rightly came to the conclusion that the order passed by the District Basic Shiksha Adhikari, Haridwar dated 8.4.2002 was just a clerical error and on account of the same the petitioner was granted pay scale of Rs. 4625-7000 while the petitioner should have been placed in the pay scale of Rs. 4250-6400.

10- In view of the aforesaid circumstances, we are of the view that the petitioner has no right to claim the pay scale of Rs. 4625-7000 at all. The petitioner is only entitled for the pay scale of Rs. 4250-6400, as has been sanctioned by the District Basic Shiksha Adhikari, Haridwar in view of the departmental rules.

11- The impugned judgment/award passed by the Public Service tribunal suffers with no error and the same is liable to be confirmed.

12- The writ petition lacks merit and is liable to be dismissed.

13- Accordingly, the writ petition is dismissed. The impugned judgment/award dated 27-4-2004, passed by the Public Service Tribunal, Uttaranchal, and Dehradun, is hereby confirmed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB